



PETITION TO AMEND THE  
ZONING REGULATIONS OF  
HOWARD COUNTY

DPZ Office Use Only:

Case No. ZRA- 127

Date Filed: \_\_\_\_\_

1. Zoning Regulation Amendment Request

I (we), the undersigned, hereby petition the County Council of Howard County to amend the Zoning Regulations of Howard County as follows: To amend Section 122.B. of the Zoning Regulations to add the use category "Hospitals, intermediate care facilities and residential treatment centers" as a use permitted as a matter of right in the M-1 District, and as Section 123.B.1 of the M-2 Regulations permits all uses permitted as a matter of right in the M-1 District, this use category would also be permitted in the M-2 District.

[You must provide a brief statement here. "See Attached Supplement" or similar statements are not acceptable. You may attach a separate document to respond to Section 1 in greater detail. If so, this document shall be titled "Response to Section 1"]

2. Petitioner's Name Marsha S. McLaughlin, Director, Department of Planning and Zoning  
Address 8930 Stanford Boulevard, Columbia, Maryland 21045  
Phone No. (W) 410-313-2350 (H) N/A  
Email Address mmclaughlin@howardcountymd.gov

09 SEP 24 AM 10:32

3. Counsel for Petitioner Paul Johnson, Deputy County Solicitor  
Counsel's Address 8930 Stanford Boulevard, Columbia, Maryland 21045  
Counsel's Phone No. 410-313-2101  
Email Address \_\_\_\_\_

4. Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed The Department of Planning and Zoning has been made aware of the significant economic development potential for a new hospital facility in the most-eastern area of the County. Currently, hospitals are only permitted as a matter of right in the POR District, and in certain areas of the NT District and MXD Mixed Use Developments that permit POR uses.

5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County The proposed amendment is in harmony with Balanced and Phased Growth Policy 4.23 to "Enhance the delivery and accessibility of health and human services." It is also in harmony with one goal of Policy 4.22 to "Assist public and private providers to ensure that adequate hospital and nursing home beds are available to meet the current and future needs of the County." Additional justification may be provided at the Planning Board meeting and County Council hearing for this Zoning Regulation Amendment proposal.

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[You may attach a separate document to respond to Section 5. If so, this document shall be titled "Response to Section 5"]

6. The Legislative Intent of the Zoning Regulations in Section 100.A. expresses that the Zoning Regulations have the purpose of "...preserving and promoting the health, safety and welfare of the community." Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with this purpose and the other issues in Section 100.A. In terms of providing more opportunity for economic development in the health services sector, this proposed amendment is in harmony with the intent "To provide a guide for public action in the orderly and efficient provision of public facilities and services, and for private enterprise in undertaking development, investment and other economic activity relating to uses of land and structures throughout the County.

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[You may attach a separate document to respond to Section 6. If so, this document shall be titled "Response to Section 6."]

7. Unless your response to Section 6 above already addresses this issue, please provide an explanation of the public benefits to be gained by the adoption of the proposed amendment(s) . There is a public benefit to the increased economic development in providing an increase in jobs that would be associated with a hospital facility and its support businesses. More importantly, there is a significant public benefit in increasing the number of total hospital beds available in the County, and making health-oriented services more available.

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[You may attach a separate document to respond to Section 7. If so, this document shall be titled "Response to Section 7."]

8. Does the amendment, or do the amendments, have the potential of affecting the development of more than one property, yes or no? Yes

If yes, and the number of properties is less than or equal to 12, explain the impact on all properties affected by providing a detailed analysis of all the properties based upon the nature of the changes proposed in the amendment(s). If the number of properties is greater than 12, explain the impact in general terms.

The number of properties is greater than 12, because the proposed amendment would apply to properties in the M-1 and M-2 Districts, properties in the NT District that have approved Final Development Plans that permit M-1 uses, and properties in approved Mixed Use Developments in the MXD District that permit M-1 uses. The overall land use impact is considered to be quite low. The intensity of use of a hospital facility is generally no greater than some of the manufacturing and service uses permitted as a matter of right in the M-1 District. The fact that hospitals are currently permitted by right in the POR District, a less-intense district than the M-1 District, also shows that allowing hospital uses in the M-1 and M-2 Districts is not contrary to acceptable land use patterns.

[You may attach a separate document to respond to Section 8. If so, this document shall be titled "Response to Section 8."]

9. If there are any other factors you desire the Council to consider in its evaluation of this amendment request, please provide them at this time. Please understand that the Council may request a new or updated Technical Staff Report and/or a new Planning Board Recommendation if there is any new evidence submitted at the time of the public hearing that is not provided with this original petition. There are no other factors at this time, but more may be provided during the public meeting and public hearing processes for this Zoning Regulation amendment.

[You may attach a separate document to respond to Section 9. If so, this document shall be titled "Response to Section 9."]

10. You must provide the full proposed text of the amendment(s) as a separate document entitled "Petitioner's Proposed Text" that is to be attached to this form. This document must use this standard format for Zoning Regulation Amendment proposals; any new proposed text must be in CAPITAL LETTERS, and any existing text to be deleted must be in [[ Double Bold Brackets ]]. In addition, you must provide an example of how the text would appear normally if adopted as you propose.

After this petition is accepted for scheduling by the Department of Planning and Zoning, you must provide an electronic file of the "Petitioner's Proposed Text" to the Division of Public Service and Zoning Administration. This file must be in Microsoft Word or a Microsoft Word compatible file format, and may be submitted by email or some other media if prior arrangements are made with the Division of Public Service and Zoning Administration.

11. The Petitioner agrees to furnish additional information as may be required by the Department of Planning and Zoning prior to the petition being accepted for scheduling, by the Planning Board prior to its adoption of a Recommendation, and/or by the County Council prior to its ruling on the case.
9. The undersigned hereby affirms that all of the statements and information contained in, or filed with this petition, are true and correct. The undersigned has read the instructions on this form, filing herewith all of the required accompanying information. If the Petitioner is an entity that is not an individual, information must be provided explaining the relationship of the person(s) signing to the entity.

Marsha S. McLaughlin, Director  
Petitioner's name (Printed or typed)

Marsha S. McLaughlin  
Petitioner's Signature

9/24/09  
Date

\_\_\_\_\_  
Petitioner's name (Printed or typed)

\_\_\_\_\_  
Petitioner's Signature

\_\_\_\_\_  
Date

Paul T. Johnson 9/24/09  
Counsel for Petitioner's Signature

[If additional signatures are necessary, please provide them on a separate document to be attached to this petition form.]

**FEE**

The Petitioner agrees to pay all fees as follows:

Filing fee .....\$695.00. If the request is granted, the Petitioner shall pay \$40.00 per 200 words of text or fraction thereof for each separate textually continuous amendment (\$40.00 minimum, \$85.00 maximum)

Each additional hearing night..... \$510.00\*

The County Council may refund or waive all or part of the filing fee where the petitioner demonstrates to the satisfaction of the County Council that the payment of the fee would work an extraordinary hardship on the petitioner. The County Council may refund part of the filing fee for withdrawn petitions. The County Council shall waive all fees for petitions filed in the performance of governmental duties by an official, board or agency of the Howard County Government.

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For DPZ office use only:

Hearing Fee \$ \_\_\_\_\_

Receipt No. \_\_\_\_\_

PLEASE CALL 410-313-2350 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION

County Website: [www.howardcountymd.gov](http://www.howardcountymd.gov)

Revised:5/08

T:\Shared\Public Service and Zoning\Applications\County Council\ZRA Application Draft

### **INSTRUCTIONS TO THE APPLICANT/PARTY OF RECORD**

- As required by State Law, applicants are required to complete the AFFIDAVIT AS TO CONTRIBUTION that is attached, and if you have made a contribution as described in the Affidavit, please complete the DISCLOSURE OF CONTRIBUTION that is attached.
- If you are an applicant, Party of Record (i.e., supporter/protestant) or a family member and have made a contribution as described in the Affidavit, you must complete the DISCLOSURE OF CONTRIBUTION that is attached.
- Filed affidavits and disclosures will be available for review by the public in the office of the Administrative assistant to the Zoning Board during normal business hours.
- Additional forms may be obtained from the Administrative Assistant to the Zoning Board at (410-313-2395) or from the Department of Planning and Zoning.
- Completed form may be mailed to the Administrative Assistant to the Zoning Board at 3430 Courthouse Drive, Ellicott City, MD 21043.
- Pursuant to State Law, violations shall be reported to the Howard County Ethics Commission.

ZONING MATTER: \_\_\_\_\_  
\_\_\_\_\_

**AFFIDAVIT AS TO CONTRIBUTION**

**As required by the Annotated Code of Maryland  
State Government Article, Sections 15-848-15-850**

I, \_\_\_\_\_, the applicant in the above zoning matter  
\_\_\_\_\_, HAVE \_\_\_\_\_ HAVE NOT  
made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a  
candidate or the treasurer of a political committee during the 48-month period before application in or  
during the pendency of the above referenced zoning matter.

I understand that any contribution made after the filing of this Affidavit and before final  
disposition of the application by the County Council shall be disclosed within five (5) business days of  
the contribution.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents  
of the foregoing paper are true.

Name: \_\_\_\_\_

Date: \_\_\_\_\_

ZONING MATTER: \_\_\_\_\_  
\_\_\_\_\_

### DISCLOSURE OF CONTRIBUTION

**As required by the Annotated Code of Maryland  
State Government Article, Sections 15-848-15-850**

This Disclosure shall be filed by an Applicant upon application or by a Party of Record within 2 weeks after entering a proceeding, if the Applicant or Party of Record or a family member, as defined in Section 15-849 of the State Government Article, has made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate of the treasurer of a political committee during the 48-month period before the application was file or during the pendency of the application.

Any person who knowingly and willfully violates Sections 15-848-15-850 of the State Government Article is subject to a fine of not more than \$5,000. If the person is not an individual, each officer and partner who knowingly authorized or participated in the violation is subject to the same penalty.

APPLICANT OR  
PARTY OF RECORD: \_\_\_\_\_

#### RECIPIENTS OF CONTRIBUTIONS:

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

I understand that any contribution made after the filing of this Disclosure and before final disposition of the application by the County Council shall be disclosed with five (5) business days of the contribution.

Name: \_\_\_\_\_

Date: \_\_\_\_\_



ZONING MATTER: \_\_\_\_\_  
\_\_\_\_\_

**AFFIDAVIT AS TO ENGAGING IN BUSINESS WITH AN ELECTED OFFICIAL**

**As required by the Annotated Code of Maryland  
State Government Article, Sections 15-848-15-850**

I, \_\_\_\_\_, the applicant in the above zoning matter  
\_\_\_\_\_, AM \_\_\_\_\_ AM NOT  
Currently engaging in business with an elected official as those terms are defined by Section 15-848 of  
the State Government Article of the Annotated Code of Maryland.

I understand that if I begin engaging in business with an elected official between the filing of  
the application and the disposition of the application, I am required to file an affidavit in this zoning  
matter at the time of engaging in business with elected official.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents  
of the foregoing paper are true.

Name: \_\_\_\_\_

Date: \_\_\_\_\_

**ZRA 127 – Exhibit A**  
**Petitioner's Proposed Text**

**Section 122. M-1 (Manufacturing: Light) District**

**B. Uses Permitted as a Matter of Right.**

1. Ambulance services.
2. Ambulatory health care facilities.
3. Athletic and recreation facilities, including:
  - a. Bowling alleys, billiard parlors, skating rinks, dance halls and similar uses.
  - b. Miniature golf courses and golf driving ranges.
  - c. Community and commercial swimming pools.
  - d. Athletic fields, tennis clubs, athletic centers, health clubs.
4. Banks, savings and loan associations, investment companies, credit bureaus, brokers and similar financial institutions.
5. Biomedical laboratories.
6. Blueprinting, printing, duplicating or engraving services.
7. Bus terminals.
8. Carpet and floor covering stores.
9. Car wash facilities.
10. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.D.3.
11. Carpet and rug cleaning.
12. Catering establishments and banquet facilities.
13. Child day care centers and nursery schools.
14. Concert halls.
15. Conservation areas, including wildlife and forest preserves, environmental management

- areas, reforestation areas, and similar uses.
16. Contractor's office and outdoor or indoor storage facility, including carpentry, cleaning, construction, electrical, excavation, exterminating, heating/air conditioning, home improvement, landscaping, masonry, painting, paving, plumbing, roofing, septic system, snow removal, well drilling, and other contractors.
  17. Data processing and telecommunication centers
  18. Day treatment or care facilities.
  19. Farming, provided that on a lot of less than 40,000 square feet, no fowl other than for the normal use of the family residing on the lot and no livestock are permitted.
  20. Flex- space
  21. Food and drink production, processing, packaging and distribution for dairy products, food products, bakery products, non-alcoholic beverages, spices, ice and meats, excluding slaughtering.
  22. Funeral homes.
  23. Furniture, appliance and business machine repair, furniture upholstering, and similar services.
  24. Furniture stores.
  25. Government structures, facilities and uses, including public schools and colleges.
  26. **HOSPITALS, INTERMEDIATE CARE FACILITIES AND RESIDENTIAL TREATMENT CENTERS.**

